

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Timothy A. McDonough et al.

Serial No.: 09/699,517

Filed: October 31, 2000

For: User Notification System with an
Illuminated Computer Input Device

Atty. Docket No.: 003797.00007

Group Art Unit: 2629

Examiner: Abdulsalam, Abbas

Confirmation No.: 7863

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Box AF

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the final Office Action dated June 13, 2006, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual and legal errors with respect to the cited references. The specific errors relied upon in this Pre-Appeal Brief Request for Review include the following:

- The Office exhibited clear error in its mistaken analysis and application of the *Kreisel* reference (U.S. Patent No. 6,088,516) with respect to claims 33, 37, 39, 40, and 52 as argued in Applicant's amendment dated March 30, 2006, at pp. 8-9, 10-11, and 17.
- The Office exhibited clear error in its mistaken analysis and application of the *Kreisel* reference in view of the *Stanek* reference (U.S. Pat. No. 5,936,554) with respect to claims 35 and 49, as argued in Applicant's amendment dated March 30, 2006, at pp. 9-10.
- The Office exhibited clear error in its mistaken analysis and application of the *Kreisel* reference in view of the *Pennell* reference (U.S. Pat. No. 6,874,023) with respect to claims 41 and 50, as argued in Applicant's amendment dated March 30, 2006, at pp. 11-13.
- The Office exhibited clear error in its mistaken analysis and application of the *Kreisel* reference in view of the *Macko* reference (U.S. Pat. No. 6,052,563) with respect to claims 17-18 and 42, as argued in Applicant's amendment dated March 30, 2006, at pp. 13-15.
- The Office exhibited clear error in its mistaken analysis and application of the *Kreisel* reference in view of the *Suzuki* reference (U.S. Pat. No. 5,890,139) with respect to claim 43, as argued in Applicant's amendment dated March 30, 2006, at p. 15.
- The Office exhibited clear error in its mistaken analysis and application of the *Kreisel* reference in view of the *Gough* reference (U.S. Pat. No. 6,360,221) with respect to claims 44-48, as argued in Applicant's amendment dated March 30, 2006, at pp. 16-17.

While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors. In addition, Applicants believe the rejections of other claims not identified above are also based on one or more Office errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office's consideration of this paper.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3155.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 13th day of October, 2006

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